

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

JUSTIN LEN COCHRAN,

Defendant/Movant.

Cause No. CR 14-075-GF-BMM  
CV 18-140-GF-BMM

ORDER

This case comes before the Court on Defendant/Movant Justin Len Cochran's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Cochran is a federal prisoner proceeding pro se.

The background of the case and Cochran's allegations are detailed in the Order of June 27, 2019 (Doc. 41). On August 23, 2019, the United States indicated it does not object to correcting Cochran's judgment so that his federal and state sentences will run concurrently. *See* Second Resp. to Order (Doc. 44) at 2.

Cochran's claims under 28 U.S.C. § 2255 all assumed the existence of an order directing that his state and federal sentences run concurrently. No such order exists. All of Cochran's allegations under § 2255 are denied. *See* Order (Doc. 41) at 3–4. A certificate of appealability is not warranted, because Cochran did not make any showing that he was denied a constitutional right. *See* 28 U.S.C. §

2253(c)(1).

For the reasons stated in the Order of August 8, 2019 (Doc. 43), Cochran's judgment will be corrected to reflect the Court's understanding that Cochran's state and federal sentences would be concurrent.

Accordingly, IT IS ORDERED:

1. Cochran's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 (Doc. 30) is DENIED.

2. A certificate of appealability is DENIED. The clerk shall immediately process the appeal if Cochran files a notice of appeal.

3. The Clerk of Court shall ensure that all pending motions in this case and in CV 18-140-GF-BMM are terminated and shall close the civil file by entering judgment in favor of the United States and against Cochran.

4. Construed as a motion to correct the record under Federal Rule of Criminal Procedure 36, Cochran's § 2255 motion (Doc. 30) is GRANTED. A corrected judgment accompanies this Order.

DATED this 27th day of August, 2019.

  
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Brian Morris  
United States District Court Judge